

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11608-DPW

COALITION TO PROTEST THE)
DEMOCRATIC NATIONAL CONVENTION,)
ET AL.,)
Plaintiffs)
v.)
THE CITY OF BOSTON, ET AL.,)
Defendants)

)

AFFIDAVIT OF ROBERT DUNFORD

1. I am a Superintendent with the Boston Police Department. Since November 2002, I have been charged with designing the security plan for the City's hosting of the Democratic National Convention ("DNC").
2. As part of my responsibilities with regard to the creation of the security plan, I have had extensive discussions with members of federal and other local law enforcement agencies, specifically with the United States Secret Service ("USSS").
3. Security within the hard perimeter surrounding the FleetCenter was designed by USSS and BPD, and took into consideration, *inter alia*, movement of emergency vehicles, the ability to evacuate persons inside the FleetCenter in the event of an emergency, the placement of emergency vehicles to counteract any hazmat or bioterrorism weapon, staging of decontamination areas, and the like.
4. The hard perimeter will be surrounded by a tight mesh metal fence, specifically designed to withstand and repel persons who attempt to climb or pull down the fencing. Because of the space needs described above, the fencing will be placed at the outermost, southern edge of Causeway Street, immediately adjacent to the curbing. This fence is scheduled to be installed on Friday, July 23rd.
5. The City's Department of Public Works has built out the sidewalk on Causeway to a width of twenty (20) feet.

6. In order to protect the delegates and other attendees, and to prevent hostile viewers from determining the strength and positioning of our law enforcement assets, an opaque fabric scrim will be hung along the fencing that surrounds the FleetCenter. No one will be able to see through this scrim.
7. The only persons who will be allowed to enter the hard zone, and be inside the secure fence, will be those persons who have been credentialed to do so. The main entrance to the hard zone is located on Causeway Street, at the point where the bus terminal is located.
8. The bus terminal, and the adjacent demonstration zone, have been created for this event and cover Haverhill Street, and run between Causeway at the north, Medford Street at the east, and North Washington and Rip Valenti Way at the south edge.
9. The area outside the hard perimeter known as the "Bulfinch Triangle" has been designated a "soft" zone by the BPD. This area is bounded by Causeway Street on the south, North Washington Street to the east, Haymarket on the south, Merrimac Street on the west. The BPD is enclosing this area with fencing but is leaving the streets open for pedestrian traffic. Heavy vehicles will be placed at the street entrances to prevent vehicles from entering, and fencing will encircle the outer edges of the Triangle to prevent vehicles from attempting to drive over the sidewalks.
10. A major public safety concern for the BPD is the capacity of the soft zone and the BPD's ability to clear the area in the event of any emergency or public disorder, including any attempts to breach the hard perimeter.
11. Causeway Street is especially significant, in that it is the front edge of the hard zone and is made substantially more narrow by the necessary placement of the security fence. The existence of permanent street equipment (street lights, hydrants, and the like) poses additional limits on the free flow of people on the sidewalk.
12. Although Causeway Street will remain open to pedestrians moving throughout the soft zone, it remains unusually vulnerable to overcrowding due to the fact that it is lined with restaurants and businesses, most of which have plate glass windows. These establishments attract business, and can accommodate approximately 3,000 people (just along the four block section at issue here). I am concerned that overcrowding of this street could pose substantial dangers, such as crushing or injuries caused if people were pushed into these windows.
13. In the event of an emergency evacuation, the BPD must take into account the numbers not only of persons present on the street, but those also present inside the establishments.

14. In my opinion, it would be unreasonable and unsafe for the City to permit and facilitate the movement of an organized march of some 2,000 people into an area with these substantial space restrictions, and the potential of some additional 3,000 persons contained within the establishments located there.
15. No person will be denied access to Causeway Street in the soft zone, unless and until the space reaches maximum capacity. In my opinion, the movement of some 2,000 marchers into an area that foreseeable will already be populated by at least some pedestrians and patrons would exceed maximum capacity almost at once.
16. If a march entering Causeway Street hit capacity, the police detailed to monitor and guide the march would be required to hold the remainder at Staniford Street (the likely port of entry) until the street was cleared. More police would be required to move the crowds out of Causeway Street.
17. In my opinion, requiring the BPD to devote resources to force an organized march into a space that cannot accommodate it is not a practical or appropriate use of personnel, especially given the strains that the Department is already experiencing in handling an event of this magnitude.
18. I have been present at numerous meetings with representatives of the ACLU and the National Lawyers Guild. Part of my mandate in designing the security for this event was to ensure that the rights of demonstrators were protected to the greatest extent possible, without jeopardizing public safety.
19. The final placement of the demonstration area, to run lengthwise over Haverhill Street and adjoining space, was decided upon after consultation with the ACLU and the NLG.
20. Also as part of these conversations, the BPD has made the following commitments: no person will be required to give ID as a prerequisite for entering the demonstration area, the BPD will not utilize random searches; staging and sound equipment is provided within the area. Weapons will not be permitted inside the demonstration area.
21. Virtually every delegate entering the hard zone will do so by disembarking at the bus terminal and entering a magnetometer screening station at the edge of Causeway Street.
22. The demonstration area has two ingress/egress points: on the northern end of Canal Street (closest to Causeway), and at the southern end of the street (via Valenti Way). It is my intention to bring parades down Canal and into the demonstration area via the northern entry.

23. The demonstration area is bounded by two rows of fencing, composed of four foot jersey barrier, topped by eight foot chain link fencing. Netting will be tied from the top of the fence to the overhead train track platform to prevent anyone from throwing objects into the demonstration area. A translucent splatter scrim will cover the chain link fence to prevent liquids from being shot at delegates. This fabric is completely see-through.
24. The demonstration area is approximately 28,000 square feet and can hold approximately 4,000 people. The stage provided by the City can hold approximately 10-12 people. A permit system is in place regulating access to the stage and sound equipment, and police personnel will be deployed to ensure that all those holding a permit have access at the time designated.
25. No demonstrator will be forced to use the demonstration area, and no one will be forbidden from leaving the area.
26. Throughout the soft zone itself, all pedestrians will be free to move about, hand out literature, carry signs and the like, including on Causeway Street's sidewalk.
27. On Sunday, July 25, there will be a series of events signaling the beginning of the DNC week, including three organized parades (including plaintiff ANSWER), some 28-40 rallies, and 37 private events.

Signed under the pains and penalties of perjury this 20th day of July, 2004

/s/ Robert Dunford _____

Supt. Robert Dunford